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FISCAL IMPACT STATEMENT

LS 6191

BILL NUMBER: HB 1157

NOTE PREPARED: Mar 18, 2013

BILL AMENDED: Mar 18, 2013

SUBJECT: Various Election Law Matters.

FIRST AUTHOR: Rep. Richardson

FIRST SPONSOR: Sen. Landske

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X **GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) *Actual Signature Required*- The bill provides that a candidate's petition of nomination or a petition to place a public question on the ballot may not use an electronic, digital, digitized, or photocopied signature.

Election in a Split-County Municipality- The bill restates procedures to be followed when an election is conducted for a city or town located in more than one county.

Town Election Board Poll Workers- The bill permits a poll worker in an election conducted by a town election board to serve if the worker meets the qualifications to work in a town election conducted by a county election board.

Start of Term for Elected School Board Member- The bill provides that an elected member of the governing body of a school corporation takes office on the date set in the school corporation's organization plan. It provides that the date set in the organization plan for an elected member of the governing body to take office may not be more than 14 months after the date of the member's election. The bill provides that if the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1 immediately following the member's election. It also provides that the changes relating to school board offices take effect retroactively to January 1, 2012.

Deadlines for School Board Candidates- The bill specifies the deadline for withdrawal of school board candidates, and revises the deadline for filing as a write-in candidate for school board office.

First Date for Filing Nomination Petition in Mishawaka/East Chicago School District Elections- The bill specifies the first date on which a candidate may file a petition of nomination in Mishawaka and East Chicago school district elections. (Current law specifies the final date for filing, but not the first date.)

Redistricting Resolution of School Board Districts- The bill specifies that a school corporation with members of the school board elected only by the voters of a school board residence district must adopt a redistricting resolution not later than December 31 of the year following the decennial census. (Current law requires the adoption of a redistricting resolution by the school corporation "before the election next following the effective date of the subsequent decennial census".)

Certification of School Board Candidates- The bill specifies the procedure for certification of school board candidates to the county election board of each county in which a school corporation is located.

Voter Registration Cancellations- The bill provides that a county voter registration office (CVRO) is not required to forward to another county a paper copy of an authorization by a voter to cancel the voter's registration, if the authorization to cancel is electronically transmitted to the other county using the statewide voter registration system (SVRS).

Appointment Pro Tempores- The bill specifies requirements for candidates for selection to an appointment pro tempore to an office.

Photocopy Reception of Economic Interest Statements- The bill permits photocopies of receipts for filing of a statement of economic interests to be accepted as part of a candidate filing.

Nonrecorded Party Primary Votes- The bill specifies how a voter's vote in a primary is to be recorded in the SVRS when a voter's choice of political party ballot is not recorded on the poll list.

Independent/Minor Party Candidate Withdraws- The bill provides that an independent or minor party candidate in a special election for U.S. Representative may withdraw not later than noon 71 days before the special election (instead of noon 45 days before the special election under current law).

Special Elections- The bill provides that special elections to fill certain offices are to be held unless the vacancy in the office occurs less than 74 days (rather than 30 days) before a general election.

Absentee Ballot Applications- The bill amends absentee application and voting procedures relating to the deadlines applicable to certain types of absentee ballot applications. The bill provides that the application must permit a person to indicate whether the applicant is currently a participant in the address confidentiality program. The bill makes changes concerning the procedure for processing military and overseas voter absentee ballot applications.

Federal Write-In Absentee Ballots- The bill conforms procedures governing federal write-in absentee ballots used in central count counties with current law in precinct count counties.

Military/Overseas Voters Transmission of Absentee Ballot Application- The bill permits a military or overseas voter to transmit an absentee application or a secrecy waiver for an absentee ballot by sending electronic mail with a digital image (rather than an optically scanned image under current law) as an attachment.

Inadvertently Opened Federal Write-In Absentee Ballot- The bill establishes a procedure for a federal write-in absentee ballot received in an envelope inadvertently opened by the county election board to be resealed and counted, if otherwise valid, and makes other changes to conform to the federal laws governing federal write-in absentee ballots.

Optical Scan and Direct Recording Electronic Voting Systems- The bill specifies requirements for optical scan ballot card voting systems and direct record electronic voting systems to permit straight ticket voting and split-ticket voting.

Use of Voting System after Certification Expiration- The bill permits a county to continue to use a voting system whose approval or certification expired on or before October 1, 2013, if the voting system: (1) was approved by the Indiana Election Commission for use in elections in Indiana before October 1, 2013, and purchased by the county before October 1, 2013; and (2) otherwise complies with the applicable provisions of the federal Help America Vote Act and Indiana law.

Display/Demonstrate Nonapproved Voting System- The bill permits a vendor to display or demonstrate a voting system that has not been approved by the Indiana Election Commission (IEC) for use in Indiana, if: (1) the display or demonstration occurs at a conference of election officials; (2) the vendor notifies the Election Division of the display or demonstration; (3) a notice on the voting system clearly indicates that the voting system is not approved; and (4) each communication concerning the voting system includes a statement that the system is not approved.

Rules for Counting Paper and Optical Scan Ballot Marks- The bill specifies rules for counting paper or optical scan ballots when a voting mark does not touch a circle, oval, or square on the ballot, and when a voting mark partially connects a connectable arrow on the ballot.

Standards for Voting Mark Detection- The bill establishes standards for ballot card voting system certification for detection of a voting mark when a voting mark touches only the outside edge of a circle, oval, or square.

Filing of Office Vacancies- The bill permits a local government body to proceed to fill an office vacancy when an official has filed a resignation with a delayed effective date, in the same manner that a political party caucus may fill a vacancy in such cases.

Certification/Withdrawal for Controlled Project Referendums- The bill conforms the deadlines for certification and withdrawal of public questions for controlled projects with the deadlines for certifying other public questions and printing absentee ballots.

National Guard Musters on Election Days- The bill provides that the current law concerning National Guard musters applies to all election days.

Repealer- The bill repeals certain statutes relating to elections conducted in towns located in more than one county.

No Census for Dissolution of Town- The bill removes a requirement that a petition to dissolve a town or change the name of a town must be accompanied by a census of the voters of the town.

Obsolete Provisions/Technical Changes- The bill removes various obsolete references and makes technical

changes.

Effective Date: (Amended) January 1, 2012 (retroactive), Upon passage, July 1, 2013.

Explanation of State Expenditures: *Absentee Ballot Applications-* The current state absentee ballot application (state form 42106) would have to be revised. It is likely the Election Division could revise the form and the Election Commission could approve the form changes within existing resources. Form 42106 is readily available online at the Election Division's website, which would likely mitigate any printing costs associated with a revision to the form.

Form 42106 does have a check box to indicate that the applicant is a participant in the address confidentiality program administered by the Attorney General under IC 5-26.5-1-6. Form 42106 does not provide a box to indicate that the applicant's legal residence is at the address set forth in their voter registration.

(Revised) *Display/Demonstrate Nonapproved Voting System-* This provision may slightly increase the administrative responsibilities of the Indiana Election Division to receive and process notices from election voting system vendors for a display or demonstration. It is likely the Election Division would be able to meet this provision within their existing level of resources.

Explanation of State Revenues: (Revised) *Display/Demonstrate Nonapproved Voting System-* If any additional civil penalties are assessed as a result of a violation of allowable display or demonstration of an unapproved voting system, a vendor could be assessed a civil penalty by the Secretary of State under existing law. The maximum penalty that can be assessed is \$300,000 plus documented investigative costs incurred by the state. Penalties are deposited into the voting system technical oversight program account within the state General Fund.

Explanation of Local Expenditures: *Summary-* The bill would change the administrative workload of local election officials and their staffs. In some instances, the workload may be reduced. In other instances, their administrative responsibilities may increase. The overall impact of the bill on local expenditures would depend on future action taken by county election boards and offices of voter registration.

Deadlines for School Board Candidates- Similar to independent and minor party candidate withdraws, moving the cutoff dates back from current law would, in theory, reduce the need to reprint ballots shortly before the election and hence could reduce the potential of additional cost for ballot reprinting.

Independent/Minor Party Candidate Withdraws- By moving back the cutoff for withdraws, this provision may save ballot printing costs in optical scan counties and system reprogramming time in Direct Recording Electronic (DRE) counties.

Deceased and Withdrawn Candidates- The bill would remove the option of replacing deceased or withdrawn candidates with pasters. Optical scan voting system counties would have to replace ballots with new ballots if a person has withdrawn or has died prior to five days before the election. However, other provisions in the bill would move back the final date to withdraw from the ballot before the election, which may reduce the need to reprint a ballot if the ballots are not yet ordered from the vendor. The removal of pasters from use would forgo the cost to print them. Therefore, this provision may reduce overall the expenditure to change a ballot due to a candidate's death or withdrawal.

Certification/Withdrawal for Controlled Project Referendums- This provision may save ballot production costs if all public questions are on the same time line with respect to their certification and subsequent withdrawals.

Redistricting Resolution of School Board Districts- School boards would be able to propose and adopt redistricting plans within the normal course of business of regularly scheduled board meetings.

Special Elections- This provision would affect a state legislative or U.S. Representative's office when a vacancy occurs. Given the rare occurrence of vacancies in these offices, this provision would likely not impact local election expenditures significantly. However, in theory, the provision would eliminate special elections for these offices from occurring closer to the general election than is currently allowed by law.

Voter Registration Cancellations- This provision could save the administrative expense of county voter registration offices to send paper copies of cancelled voter registrations to another county.

Optical Scan and Direct Recording Electronic Voting Systems- This provision would not have any fiscal impact to local election expenditures with respect to replacement of existing voting systems. The major voting systems in use today can already accommodate the proposed changes described in the following paragraphs.

Specifically, the bill would require both DRE and optical scan voting systems to allow a voter to vote for one or more candidates of each political party or independent candidates, or for one or more school board candidates nominated by petition.

For DRE voting systems, the bill would require use of a device to indicate a straight-party ticket. Additionally, DRE systems would have to allow a voter to vote a straight ticket and then be able to change the vote of a particular office. Optical scan systems would have to be able to allow a voter to vote a straight ticket with one mark on the ballot and allow the voter to vote for or against a public question. The vast majority of optical scan units in service in the state, such as the ES&S/GBS AccuVote or M100, allow for the voter to vote a straight ticket, public questions, and other nonpartisan offices.

No Census for Dissolution of Town- This provision may make it easier for a petition to either dissolve or incur a name change to a town to be brought to a public question. County election boards in counties that have optical scan voting systems and that run town elections may incur additional printing costs to place more name change and dissolution questions on future ballots.

Current law requires a petitioner to pay for the costs for the petition including the census. Therefore, there would be no monetary savings to a town legislative body as a result of this provision. However, the town, and hence the county if the county runs the election in the town, must be reimbursed by the petitioners if the election fails to pass the public question.

Explanation of Local Revenues:

State Agencies Affected: Indiana Election Commission, Indiana Election Division.

Local Agencies Affected: County election boards, school boards, towns.

Information Sources: www.in.gov/sos; Wendy Hudson, Elkhart County Clerk, (574)-535-6692; Susan Kirk,

Vanderburgh County Clerk (812)-435-5160; Sue Anne Misiniec, Johnson County Clerk, (317) 346-4450; Penny Bogan, Boone County Clerk, (765) 482-3510; IC 3-11-17.

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